

## **SECOND DIVISION**

**[ G.R. No. 145545, June 30, 2008 ]**

**PAZ SAMANIEGO-CELADA, PETITIONER, VS. LUCIA D. ABENA,  
RESPONDENT.**

### **DECISION**

**QUISUMBING, J.:**

This is a petition for review under Rule 45 of the 1997 Rules of Civil Procedure seeking to reverse the Decision<sup>[1]</sup> dated October 13, 2000 of the Court of Appeals in CA-G.R. CV No. 41756, which affirmed the Decision<sup>[2]</sup> dated March 2, 1993 of the Regional Trial Court (RTC), Branch 66, Makati City. The RTC had declared the last will and testament of Margarita S. Mayores probated and designated respondent Lucia D. Abena as the executor of her will. It also ordered the issuance of letters testamentary in favor of respondent.

The facts are as follows:

Petitioner Paz Samaniego-Celada was the first cousin of decedent Margarita S. Mayores (Margarita) while respondent was the decedent's lifelong companion since 1929.

On April 27, 1987, Margarita died single and without any ascending nor descending heirs as her parents, grandparents and siblings predeceased her. She was survived by her first cousins Catalina Samaniego-Bombay, Manuelita Samaniego Sajonia, Feliza Samaniego, and petitioner.

Before her death, Margarita executed a Last Will and Testament<sup>[3]</sup> on February 2, 1987 where she bequeathed one-half of her undivided share of a real property located at Singalong Manila, consisting of 209.8 square meters, and covered by Transfer Certificate of Title (TCT) No. 1343 to respondent, Norma A. Pahingalo, and Florentino M. Abena in equal shares or one-third portion each. She likewise bequeathed one-half of her undivided share of a real property located at San Antonio Village, Makati, consisting of 225 square meters, and covered by TCT No. 68920 to respondent, Isabelo M. Abena, and Amanda M. Abena in equal shares or one-third portion each. Margarita also left all her personal properties to respondent whom she likewise designated as sole executor of her will.

On August 11, 1987, petitioner filed a petition for letters of administration of the estate of Margarita before the RTC of Makati. The case was docketed as SP Proc. No. M-1531.

On October 27, 1987, respondent filed a petition for probate of the will of Margarita before the RTC of Makati. The case was docketed as SP Proc. No. M-1607 and consolidated with SP Proc. No. M-1531.

On March 2, 1993, the RTC rendered a decision declaring the last will and testament of Margarita probated and respondent as the executor of the will. The dispositive portion of the decision states:

In view of the foregoing, judgment is hereby rendered:

- 1) declaring the will as probated;
- 2) declaring Lucia Abena as the executor of the will who will serve as such without a bond as stated in paragraph VI of the probated will;
- 3) ordering the issuance of letters testamentary in favor of Lucia Abena.

So ordered.<sup>[4]</sup>

Petitioner appealed the RTC decision to the Court of Appeals. But the Court of Appeals, in a decision dated October 13, 2000, affirmed *in toto* the RTC ruling. The dispositive portion of the Court of Appeals' decision states:

**WHEREFORE**, foregoing premises considered, the appeal having no merit in fact and in law, is hereby **ORDERED DISMISSED** and the appealed Decision of the trial court **AFFIRMED IN TOTO**, with cost to oppositors-appellants.

**SO ORDERED.**<sup>[5]</sup>

Hence, the instant petition citing the following issues:

I.

WHETHER OR NOT THE COURT OF APPEALS COMMITTED A REVERSIBLE ERROR IN NOT INVALIDATING THE WILL SINCE IT DID NOT CONFORM TO THE FORMALITIES REQUIRED BY LAW;

II.

WHETHER OR NOT THE COURT OF APPEALS COMMITTED ERROR IN NOT INVALIDATING THE WILL BECAUSE IT WAS PROCURED THROUGH UNDUE INFLUENCE AND PRESSURE[;] AND

III.

WHETHER OR NOT THE COURT OF APPEALS GRAVELY ERRED IN NOT DECLARING PETITIONER, HER SIBLINGS AND COUSIN AS THE LEGAL HEIRS OF MARGARITA S. MAYORES AND IN NOT ISSUING LETTERS OF ADMINISTRATION TO HER.<sup>[6]</sup>

Briefly stated, the issues are (1) whether the Court of Appeals erred in not declaring the will invalid for failure to comply with the formalities required by law, (2) whether said court erred in not declaring the will invalid because it was procured through undue influence and pressure, and (3) whether it erred in not declaring petitioner

and her siblings as the legal heirs of Margarita, and in not issuing letters of administration to petitioner.

Petitioner, in her Memorandum,<sup>[7]</sup> argues that Margarita's will failed to comply with the formalities required under Article 805<sup>[8]</sup> of the Civil Code because the will was not signed by the testator in the presence of the instrumental witnesses and in the presence of one another. She also argues that the signatures of the testator on pages A, B, and C of the will are not the same or similar, indicating that they were not signed on the same day. She further argues that the will was procured through undue influence and pressure because at the time of execution of the will, Margarita was weak, sickly, jobless and entirely dependent upon respondent and her nephews for support, and these alleged handicaps allegedly affected her freedom and willpower to decide on her own. Petitioner thus concludes that Margarita's total dependence on respondent and her nephews compelled her to sign the will. Petitioner likewise argues that the Court of Appeals should have declared her and her siblings as the legal heirs of Margarita since they are her only living collateral relatives in accordance with Articles 1009<sup>[9]</sup> and 1010<sup>[10]</sup> of the Civil Code.

Respondent, for her part, argues in her Memorandum<sup>[11]</sup> that the petition for review raises questions of fact, not of law and as a rule, findings of fact of the Court of Appeals are final and conclusive and cannot be reviewed on appeal to the Supreme Court. She also points out that although the Court of Appeals at the outset opined there was no compelling reason to review the petition, the Court of Appeals proceeded to tackle the assigned errors and rule that the will was validly executed, sustaining the findings of the trial court that the formalities required by law were duly complied with. The Court of Appeals also concurred with the findings of the trial court that the testator, Margarita, was of sound mind when she executed the will.

After careful consideration of the parties' contentions, we rule in favor of respondent.

We find that the issues raised by petitioner concern pure questions of fact, which may not be the subject of a petition for review on certiorari under Rule 45 of the Rules of Civil Procedure.

The issues that petitioner is raising now *i.e.*, whether or not the will was signed by the testator in the presence of the witnesses and of one another, whether or not the signatures of the witnesses on the pages of the will were signed on the same day, and whether or not undue influence was exerted upon the testator which compelled her to sign the will, are all questions of fact.

This Court does not resolve questions of fact in a petition for review under Rule 45 of the 1997 Rules of Civil Procedure. Section 1<sup>[12]</sup> of Rule 45 limits this Court's review to questions of law only.

Well-settled is the rule that the Supreme Court is not a trier of facts. When supported by substantial evidence, the findings of fact of the Court of Appeals are conclusive and binding on the parties and are not reviewable by this Court, unless the case falls under any of the following recognized exceptions: